

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICOH COMPANY, LTD.,

No. C 03-4669 MJJ

Plaintiff,

ORDER

v.

AEROFLEX INC., et al.,

Defendants.

The Local Rules require that “[a]ny party filing or moving to file an amended pleading must reproduce the entire proposed pleading and may not incorporate any part of a prior pleading by reference.” N.D. Cal. L.R. 10-1. On February 18, 2004, Plaintiff moved this Court for leave to file an amended complaint. Plaintiff claimed to base its motion, at least in part, “upon the attached proposed amended complaint. . . .” However, Plaintiff did not attach this proposed amended complaint to any of the documents it filed with the Court.

On March 9, 2004, Defendants filed their opposition to Plaintiff’s motion. In that opposition, Defendants verified that “[t]he copy of Ricoh’s Motion for Leave to File and [sic] Amended Complaint that the defendants received through the Court’s efile service did not include a copy of the proposed amended pleading as required under Civil L.R. 10-1.” Consequently, neither the Court nor Defendants received a copy of Plaintiff’s proposed amended complaint.

As facilitated by the Local Rules, the Court is entitled to review Plaintiff’s proposed amended

1 complaint during its consideration of Plaintiff's motion and Defendants were entitled to review Plaintiff's
2 proposed amended complaint before they filed their opposition. Therefore, Plaintiff must file the proposed
3 amended complaint by close of business today (March 10, 2004), Defendants may, but need not, file an
4 amended opposition brief by March 23, 2004, and Plaintiff may, but need not, file a reply brief by March
5 30, 2004. The hearing on Plaintiff's motion to amend the complaint and Defendants' pending motion for
6 judgment on the pleadings is **CONTINUED** to April 6, 2004.

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8 **IT IS SO ORDERED.**

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10 Dated: March 10, 2004

11 /s/
12 MARTIN J. JENKINS
13 UNITED STATES DISTRICT JUDGE
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